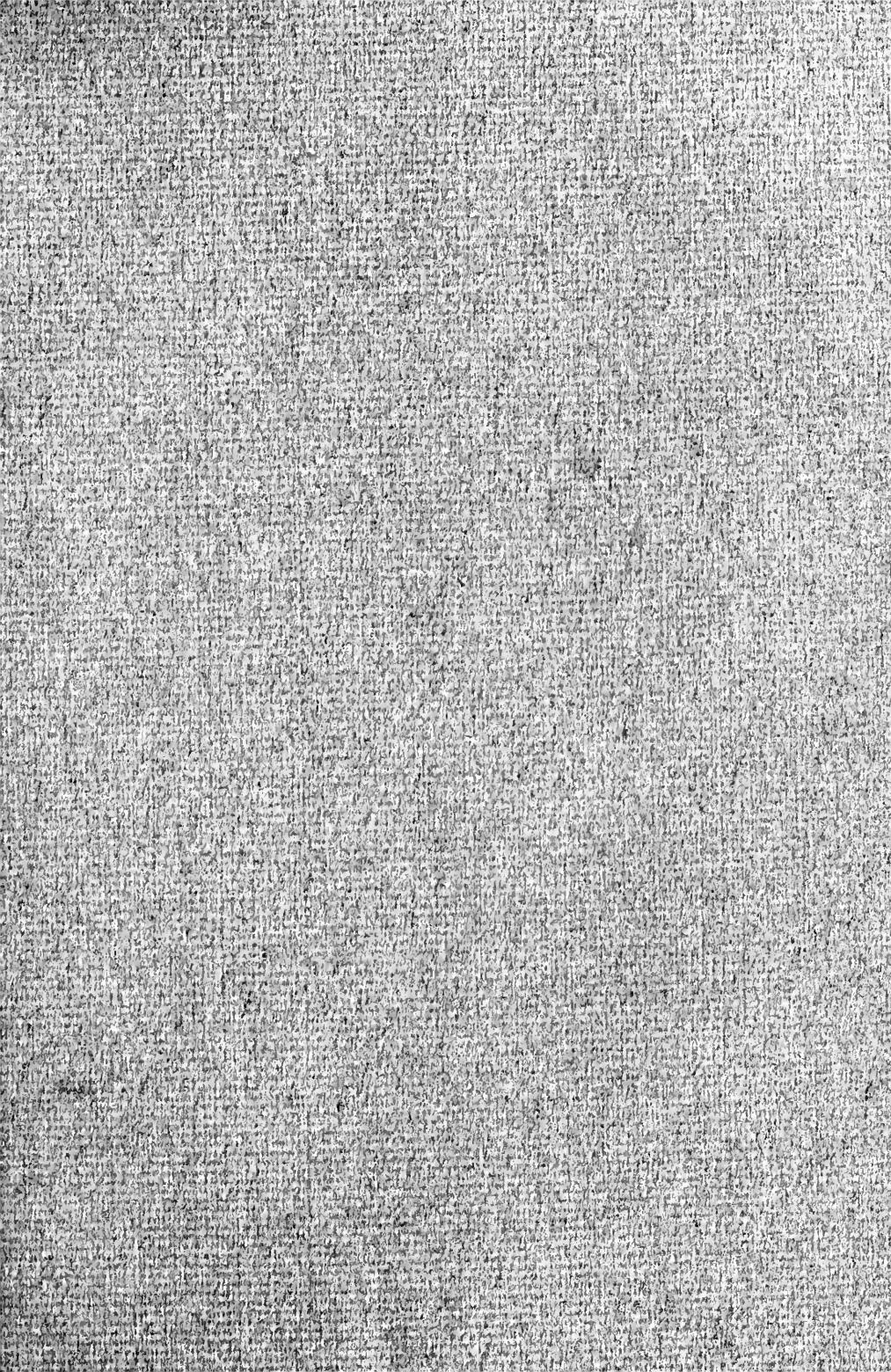


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THE

INTEREST IN SLAVERY

OF THE

Southern Non-Slaveholder.

THE RIGHT OF PEACEFUL SECESSION.

SLAVERY IN THE BIBLE.

CHARLESTON:

STEAM-POWER PRESSES OF EVANS & COGSWELL,
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THE

Non-Slaveholders of the South.

NASHVILLE, Dec. 5, 1860.

My dear Sir:—Whilst in Charleston recently, I adverted, in conversation with you, to some considerations affecting the question of slavery in its application to the several classes of population at the South and especially to the non-slaveholding class, who, I maintained, were even more deeply interested than any other in the maintainance of our institutions, and in the success of the movement now inaugurated, for the entire social, industrial and political independence of the South. At your request, I promised to elaborate and commit to writing the points of that conversation, which I now proceed to do, in the hope that I may thus be enabled to give some feeble aid to a cause which is worthy of the Sydneys, Hampdens and Patrick Henrys, of earlier times.

When in charge of the national census office, several years since, I found that it had been stated by an abolition Senator from his seat, that the number of slaveholders at the South did not exceed 150,000. Convinced that it was a gross misrepresentation of the facts, I caused a careful examination of the returns to be made, which fixed the actual number at 347,255, and communicated the information, by note, to Senator Cass, who read it in the Senate. I first called attention to the fact that the number embraced slaveholding families, and that to arrive at the actual number of slaveholders, it would be necessary to multiply by the proportion of persons, which the census showed to a family. When this was done, the number was swelled to about 2,000,000.

Since these results were made public, I have had reason to think, that the separation of the schedules of the slave and the free, was calculated to lead to omissions of the single properties, and that on this account it would be safe to put the number of families at 375,000, and the number of actual slaveholders at about two million and a quarter.

Assuming the published returns, however, to be correct, it will appear that one-half of the population of South Carolina, Mississippi, and Louisiana, excluding the cities, are slaveholders, and that

one-third of the population of the entire South are similarly circumstanced. The average number of slaves is nine to each slave-holding family, and one-half of the whole number of such holders are in possession of less than five slaves.

It will thus appear that the slaveholders of the South, so far from constituting numerically an insignificant portion of its people, as has been malignantly alleged, make up an aggregate, greater in relative proportion than the holders of any other species of property whatever, in any part of the world; and that of no other property can it be said, with equal truthfulness, that it is an interest of the whole community. Whilst every other family in the States I have specially referred to, are slaveholders, but one family in every three and a half families in Maine, New Hampshire, Massachusetts and Connecticut, are holders of agricultural land; and, in European States, the proportion is almost indefinitely less. The proportion which the slaveholders of the South, bear to the entire population is greater than that of the owners of land or houses, agricultural stock, State, bank, or other corporation securities anywhere else. No political economist will deny this. Nor is that all. Even in the States which are among the largest slaveholding, South Carolina, Georgia and Tennessee, the land proprietors outnumber nearly two to one, in relative proportion, the owners of the same property in Maine, Massachusetts and Connecticut, and if the average number of slaves held by each family throughout the South be but nine, and if one-half of the whole number of slaveholders own under five slaves, it will be seen how preposterous is the allegation of our enemies, that the slaveholding class is an organized wealthy aristocracy. *The poor men of the South are the holders of one to five slaves, and it would be equally consistent with truth and justice, to say that they represent, in reality, its slaveholding interest.*

The fact being conceded that there is a very large class of persons in the slaveholding States, who have no direct ownership in slaves; it may be well asked, upon what principle a greater antagonism can be presumed between them and their fellow-citizens, than exists among the larger class of non-landholders in the free States and the landed interest there? If a conflict of interest exists in one instance, it does in the other, and if patriotism and public spirit are to be measured upon so low a standard, the social fabric at the North is in far greater danger of dissolution than it is here.

Though I protest against the false and degrading standard, to which Northern orators and statesmen have reduced the measure of patriotism, which is to be expected from a free and enlightened people, and in the name of the non-slaveholders of the South, fling back the insolent charge that they are only bound to their country by its "loaves and fishes," and would be found derelict in honor and principle and public virtue in proportion as they are needy in circumstances; I think it but easy to show that the in-

terest of the poorest non-slaveholder among us, is to make common cause with, and die in the last trenches in defence of, the slave property of his more favored neighbor.

The non-slaveholders of the South may be classed as either such as desire and are incapable of purchasing slaves, or such as have the means to purchase and do not because of the absence of the motive, preferring to hire or employ cheaper white labor. A class conscientiously objecting to the ownership of slave-property, does not exist at the South, for all such scruples have long since been silenced by the profound and unanswerable arguments to which Yankee controversy has driven our statesmen, popular orators and clergy. Upon the sure testimony of God's Holy Book, and upon the principles of universal polity, they have defended and justified the institution. The exceptions which embrace recent importations into Virginia, and into some of the Southern cities from the free States of the North, and some of the crazy, socialistic Germans in Texas, are too unimportant to affect the truth of the proposition.

The non-slaveholders are either urban or rural, including among the former the merchants, traders, mechanics, laborers and other classes in the towns and cities; and among the latter, the tillers of the soil in sections where slave property either could, or could not be profitably employed.

As the *competition of free labor with slave labor* is the gist of the argument used by the opponents of slavery, and as it is upon this that they rely in support of a future social *conflict* in our midst, it is clear that in cases where the competition cannot possibly exist, the argument, whatever weight it might otherwise have, must fall to the ground.

Now, from what can such competition be argued in our cities? Are not all the interests of the merchant and those whom he employs of necessity upon the side of the slaveholder? The products which he buys, the commodities which he sells, the profits which he realizes, the hopes of future fortune which sustain him; all spring from this source, and from no other. The cities, towns and villages of the South, are but so many agencies for converting the products of slave labor into the products of other labor obtained from abroad, and as in every other agency the interest of the agent is, that the principal shall have as much as possible to sell, and be enabled as much as possible to buy. In the absence of every other source of wealth at the South, its mercantile interests are so interwoven with those of slave labor as to be almost identical. What is true of the merchant is true of the clerk, the drayman, or the laborer whom he employs—the mechanic who builds his houses, the lawyer who argues his causes, the physician who heals, the teacher, the preacher, etc., etc. If the poor mechanic could have ever complained of the competition, in the cities, of slave labor with his, that cause or complaint in the enormous increase of value of slave property has

failed, since such increase has been exhausting the cities and towns of slave labor, or making it so valuable that he can work in competition with it and receive a rate of remuneration greatly higher than in any of the non-slaveholding towns or cities at the North. In proof of this, it is only necessary to advert to the example of the City of Charleston, which has a larger proportion of slaves than any other at the South, where the first flag of Southern independence was unfurled, and where the entire people, with one voice, rich and poor, merchant, mechanic and laborer, stand nobly together. Another illustration may be found in the city of New York, almost as dependent upon Southern slavery as Charleston itself, which records a majority of nearly thirty thousand votes against the further progress of abolitionism.

As the competition does not exist in the cities it is equally certain that it does not exist in those sections of the South, which are employed upon the cultivation of commodities, in which slave labor could not be used, and that there exists no conflict there except in the before stated cases of Virginia and Texas, and some of the counties of Missouri, Maryland and Kentucky. These exceptions are, however, too unimportant to affect the great question of slavery in fifteen States of the South, and are so kept in check as to be incapable of effecting any mischief even in the communities referred to. It would be the baldest absurdity to suppose that the poor farmers of South Carolina, North Carolina and Tennessee, who grow corn, wheat, bacon and hogs and horses, are brought into any sort of competition with the slaves of these or other States, who, while they consume these commodities, produce but little or none of them.

The competition and conflict, if such exist at the South, between slave labor and free labor, is reduced to the single case of such labor being employed side by side, in the production of the same commodities and could be felt only in the cane, cotton, tobacco and rice fields, where almost the entire agricultural slave labor is exhausted. Now, any one cognizant of the actual facts, will admit that the free labor which is employed upon these crops, disconnected from and in actual independence of the slaveholder, is a very insignificant item in the account, and whether in accord or in conflict would affect nothing the permanency and security of the institution. It is a competition from which the non-slaveholder cheerfully retires when the occasion offers, his physical organization refusing to endure that exposure to tropical suns and fatal miasmas which alone are the condition of profitable culture and any attempt to reverse the laws which God has ordained, is attended with disease and death. Of this the poor white foreign laborer upon our river swamps and in our southern cities, especially in Mobile and New Orleans, and upon the public works of the South, is a daily witness.

Having then followed out, step by step, and seen to what amounts the so much paraded competition and conflict between

the non-slaveholding and slaveholding interests of the South; I will proceed to present several general considerations which must be found powerful enough to influence the non-slaveholders, if the claims of patriotism were inadequate, to resist any attempt to overthrow the institutions and industry of the section to which they belong.

1. *The non-slaveholder of the South is assured that the remuneration afforded by his labor, over and above the expense of living, is larger than that which is afforded by the same labor in the free States.* To be convinced of this he has only to compare the value of labor in the Southern cities with those of the North, and to take note annually of the large number of laborers who are represented to be out of employment there, and who migrate to our shores, as well as to other sections. No white laborer in return has been forced to leave our midst or remain without employment. Such as have left, have immigrated from States where slavery was less productive. Those who come among us are enabled soon to retire to their homes with a handsome competency. The statement is nearly as true for the agricultural as for other interests, as the statistics will show.

The following table was recently compiled by Senator Johnson, of Tennessee, from information received in reply to a circular letter sent to the points indicated.

Daily wages in New Orleans, Charleston and Nashville :

Bricklayers.	Carpenters.	Laborers.
\$2½ to 3½	\$2¼ to 2½	\$1 to 1½.

Daily wages in Chicago, Pittsburg and Lowell, Mass. :

Bricklayers.	Carpenters.	Laborers.
\$1½ to \$2	\$1½ to 1¾	75c to \$1.

The rates of board weekly for laborers as given in the census of 1850, were in Louisiana \$2 70, South Carolina \$1 75, Tennessee \$1 32, in Illinois \$1 49, Pennsylvania \$1 72, Massachusetts \$2 12. The wages of the agricultural classes as given in Parliamentary reports are in France \$20 to \$30 per annum with board. In Italy \$12 to \$20 per annum. In the United States agricultural labor is highest in the Southwest, and lowest in the Northwest, the South and North differing very little, by the official returns.

2. *The non-slaveholders, as a class, are not reduced by the necessity of our condition, as is the case in the free States, to find employment in crowded cities and come into competition in close and sickly workshops and factories, with remorseless and untiring machinery.* They have but to compare their condition in this particular with the mining and manufacturing operatives of the North and Europe, to be thankful that God has reserved them for a better fate. Tender women, aged men, delicate children, toil and labor there from early dawn until after candle light, from one year to

another, for a miserable pittance, scarcely above the starvation point and without hope of amelioration. The records of British free labor have long exhibited this and those of our own manufacturing States are rapidly reaching it and would have reached it long ago, but for the excessive bounties which in the way of tariffs have been paid to it, without an equivalent by the slaveholding and non-slaveholding laborer of the South. Let this tariff cease to be paid for a single year and the truth of what is stated will be abundantly shown.

3. *The non-slaveholder is not subjected to that competition with foreign pauper labor, which has degraded the free labor of the North and demoralized it to an extent which perhaps can never be estimated.* From whatever cause, it has happened, whether from climate, the nature of our products or of our labor, the South has been enabled to maintain a more homogeneous population and show a less admixture of races than the North. This the statistics show.

RATIO OF FOREIGN TO NATIVE POPULATION.

Eastern States.....	12.65	in every 100
Middle States.....	19.84	“ “
Southern States.....	1.86	“ “
South-western States.....	5.34	“ “
North-western States.....	12.75	“ “

Our people partake of the true American character, and are mainly the descendants of those who fought the battles of the Revolution, and who understand and appreciate the nature and inestimable value of the liberty which it brought. Adhering to the simple truths of the Gospel and the faith of their fathers, they have not run hither and thither in search of all the absurd and degrading isms which have sprung up in the rank soil of infidelity. They are not Mormons or Spiritualists, they are not Owenites, Fourierites, Agrarians, Socialists, Free-lovers or Millerites. They are not for breaking down all the forms of society and of religion and re-constructing them; but prefer law, order and existing institutions to the chaos which radicalism involves. The competition between native and foreign labor in the Northern States, has already begotten rivalry and heart-burning, and riots; and lead to the formation of political parties there which have been marked by a degree of hostility and proscription to which the present age has not afforded another parallel. At the South we have known none of this, except in two or three of the larger cities, where the relations of slavery and freedom scarcely exist at all. The foreigners that are among us at the South are of a select class, and from education and example approximate very nearly to the native standard.

4. *The non-slaveholder of the South preserves the status of the white man, and is not regarded as an inferior or a dependant.* He

is not told that the Declaration of Independence, when it says that all men are born free and equal, refers to the negro equally with himself. It is not proposed to him that the free negro's vote shall weigh equally with his own at the ballot-box, and that the little children of both colors shall be mixed in the classes and benches of the school-house, and embrace each other filially in its outside sports. It never occurs to him, that a white man could be degraded enough to boast in a public assembly, as was recently done in New York, of having actually slept with a negro. And his patriotic ire would crush with a blow the free negro who would dare, in his presence, as is done in the free States, to characterize the father of the country as a "scoundrel." No white man at the South serves another as a body servant, to clean his boots, wait on his table, and perform the menial services of his household. His blood revolts against this, and his necessities never drive him to it. He is a companion and an equal. When in the employ of the slaveholder, or in intercourse with him, he enters his hall, and has a seat at his table. If a distinction exists, it is only that which education and refinement may give, and this is so courteously exhibited as scarcely to strike attention. The poor white laborer at the North is at the bottom of the social ladder, whilst his brother here has ascended several steps and can look down upon those who are beneath him, at an infinite remove.

5. *The non-slaveholder knows that as soon as his savings will admit, he can become a slaveholder, and thus relieve his wife from the necessities of the kitchen and the laundry, and his children from the labors of the field.* This, with ordinary frugality, can, in general, be accomplished in a few years, and is a process continually going on. Perhaps twice the number of poor men at the South own a slave to what owned a slave ten years ago. The universal disposition is to purchase. It is the first use for savings, and the negro purchased is the last possession to be parted with. If a woman, her children become heir-looms and make the nucleus of an estate. It is within my knowledge, that a plantation of fifty or sixty persons has been established, from the descendants of a single female, in the course of the lifetime of the original purchaser.

6. *The large slaveholders and proprietors of the South begin life in great part as non-slaveholders.* It is the nature of property to change hands. Luxury, liberality, extravagance, depreciated land, low prices, debt, distribution among children, are continually breaking up estates. All over the new States of the Southwest enormous estates are in the hands of men who began life as overseers or city clerks, traders or merchants. Often the overseer marries the widow. Cheap lands, abundant harvests, high prices, give the poor man soon a negro. His ten bales of cotton bring him another, a second crop increases his purchases, and so he goes on opening land and adding labor until in a few years his

draft for \$20,000 upon his merchant becomes a very marketable commodity.

7. *But should such fortune not be in reserve for the non-slaveholder, he will understand that by honesty and industry it may be realized to his children.* More than one generation of poverty in a family is scarcely to be expected at the South, and is against the general experience. It is more unusual here for poverty than wealth to be preserved through several generations in the same family.

8. *The sons of the non-slaveholder are and have always been among the leading and ruling spirits of the South; in industry as well as in politics.* Every man's experience in his own neighborhood will evince this. He has but to task his memory. In this class are the McDuffies, Langdon Cheves, Andrew Jacksons, Henry Clays, and Rusks, of the past; the Hammonds, Yanceys, Orrs, Memmingers, Benjamins, Stephens, Soules, Browns of Mississippi, Simms, Porters, Magraths, Aikens, Maunsel Whites, and an innumerable host of the present; and what is to be noted, these men have not been made demagogues for that reason, as in other quarters, but are among the most conservative among us. Nowhere else in the world have intelligence and virtue disconnected from ancestral estates, the same opportunities for advancement, and nowhere else is their triumph more speedy and signal.

9. *Without the institution of slavery, the great staple products of the South would cease to be grown, and the immense unwearied results, which are distributed among every class of the community, and which give life to every branch of industry, would cease.* The world furnishes no instances of these products being grown upon a large scale by free labor. The English now acknowledge their failure in the East Indies. Brazil, whose slave population nearly equals our own, is the only South American State which has prospered. Cuba, by her slave labor, showers wealth upon old Spain, whilst the British West India Colonies have now ceased to be a source of revenue, and from opulence have been, by emancipation, reduced to beggary. St. Domingo shared the same fate, and the poor whites have been massacred equally with the rich.

EXPORTS.

	1789.	1860.
HAYTI.....	\$27,829,060	\$5 to 6,000,000

Sugar is no longer exported, and the quantity of Coffee scarcely exceeds one-third, and of Cotton one-tenth, of the exports of 1789. This I give upon Northern authority.

	1805.	1857.
JAMAICA.		
Sugar.....	150,352 hhds.	30,459 hhds.
Rum.....	93,950 "	15,991 "
Coffee.....	21,137,393 lbs.	7,695,623 lbs.

The value of the present slave production of the South is thus given :

United States Exports for 1859.

<i>Of Southern Origin—</i>	1859.
Cotton.....	\$161,434,923
Tobacco.....	21,074,038
Rice.....	2,207,018
Naval Stores.....	3,694,474
Sugar.....	196,735
Molasses.....	75,699
Hemp.....	9,227
Total.....	188,693,496
Other from South.....	8,108,632
Cotton Manufactures.....	4,989,733
Total from South.....	198,389,351
From the North.....	78,217,202
Total Merchandise.....	278,392,080
Specie.....	57,502,365
To the Southern credit, however, must be given :	
60 per cent. of the cotton manufactured, being, for raw materials.....	\$3,669,106
Breadstuffs (the North having received from the South a value as large in these as the whole foreign export).....	40,047,000
Add.....	43,716,106
Southern.....	198,389,351
Northern contributions.....	242,105,457
	34,501,008

10. *If emancipation be brought about as will undoubtedly be the case, unless the encroachments of the fanatical majorities of the North are resisted now the slaveholders, in the main, will escape the degrading equality which must result, by emigration, for which they would have the means, by disposing of their personal chattels : whilst the non-slaveholders, without these resources, would be compelled to remain and endure the degradation.* This is a startling consideration. In Northern communities, where the free negro is one in a hundred of the total population, he is recognized and acknowledged often as a pest, and in many cases even his presence is prohibited by law. What would be the case in many of our States, where every other inhabitant is a negro, or in many of our communities, as for example the parishes around and about

Charleston, and in the vicinity of New Orleans where there are from twenty to one hundred negroes to each white inhabitant? Low as would this class of people sink by emancipation in idleness, superstition and vice, the white man compelled to live among them, would by the power exerted over him, sink even lower, unless as is to be supposed he would prefer to suffer death instead.

In conclusion, my dear sir, I must apologize to the non-slaveholders of the South, of which class, I was myself until very recently a member, for having deigned to notice at all the infamous libels which the common enemies of the South have circulated against them, and which our every-day experience refutes; but the occasion seemed a fitting one to place them truly and rightly before the world. This I have endeavored faithfully to do. They fully understand the momentous questions which now agitate the land in all their relations. They perceive the inevitable drift of Northern aggression, and know that if necessity impel to it, as I verily believe it does at this moment, the establishment of a Southern confederation will be a sure refuge from the storm. *In such a confederation our rights and possessions would be secure, and the wealth being retained at home, to build up our towns and cities, to extend our railroads, and increase our shipping, which now goes in tariffs or other involuntary or voluntary tributes,* to other sections: opulence would be diffused throughout all classes, and we should become the freest, the happiest and the most prosperous and powerful nation upon earth.*

Your obedient servant,

J. D. B. DEBOW.

ROBERT N. GOURDIN, Esq., Charleston, S. C.

*The annual drain in profits which is going on from the South to the North is thus set down by Mr. Kettell, of New York:

Bounties to fisheries, per annum.....	\$1,500,000
Customs, per annum, disbursed at the North.....	40,000,000
Profits of manufacturers.....	30,000,000
Profits of importers.....	16,000,000
Profits of shipping, imports and exports.....	10,000,000
Profits of travellers.....	60,000,000
Profits of teachers and others at the South, sent North.....	5,000,000
Profits of agents, brokers, commissions, etc.....	10,000,000
Profits of capital drawn from the South.....	30,000,000
Total from these sources.....	\$231,500,000

This, from the beginning of the Government, making all proper deduction from year to year, has given to the North over \$2,590,000,000 of Southern wealth. Are her accumulations, then, surprising, and can one be surprised if accumulation should appear to be less in the South!

The "1860 Association" commends the perusal of the following extract from a communication to the Boston Courier of 8th December, 1860, signed "Langdon." Emanating from a Northern source, it possesses peculiar interest.

HAS THE GENERAL GOVERNMENT THE RIGHT TO COERCE A STATE?

To consider this question, a distinction must first be drawn between the right of war and the exercise of a constitutional function of the government on itself, in a constitutional way. The right of war exists only against other governments—and by the law of nations, it is immaterial whether these are usurping or legitimate governments. It suffices that each party has an actual possession or government, a control *de facto* over some territory or people which it enjoys, disconnected with, or by dispossessing the other's government. The writers on public law agree that a declaration of war necessarily admits that the party declared against is an actual government—even though its legitimacy as a government may be the very point in dispute; and because it is, in fact, a government, other nations who have treaties of amity and peace with the one, may enter into like treaties with the other, and recognize the government *de facto* without impairing their neutrality or violating their obligations of amity and peace to those who claim legitimate authority over the government *de facto*. It is not from the length of time that the government *de facto* has existed, but from the fact that the opposing government claiming to be legitimate, cannot control the other by civil means, and has not an actual military possession and control over it—that other nations are justified in treating it as a government and entering into alliances with it. Thus, in our own War of Independence, after the declaration, Spain, Holland, and France, acknowledged the independence of the Colonies, and formed treaties, without those acts violating their existing treaties with England.

If, then, the secession of a State from this Union were followed by a declaration of war against her by the United States, such declaration would open to foreign nations the right to make alliances and treaties with her, commercial and otherwise, without thereby violating their treaties with the United States; and all Europe, if their interests or sympathies led them in that direction, would be morally free to aid and help her in sustaining her act of secession.

Attempts to coerce by war, then, would tend, by relieving foreign nations from the obligation of non-interference in domestic questions, to confirm secession, and to expose what ought to be a purely domestic question of constitutional construction to the complications and embarrassments which rival powers could easily create, without endangering existing treaties. It would be the most effectual means of removing all the obligations of a State, and enabling her to resist any return to them. No one could be so foolish as to desire to submit the construction of the Constitution of this Union to the interference of foreign and hostile nations. It would surely bring down on this Union the calamity of disunion, and in itself be unconstitutional. The construction of the Constitution is domestic to the States of the Union, and should be adjusted through their domestic machinery, without exposing these States, by the imprudence of hostilities, to that foreign interference which the Union was created to avoid.

Half the strength of these Colonies in the Revolution was derived from foreign interference, and had England, by avoiding force, kept the question of taxation purely domestic, she might have preserved, instead of losing, her connexion with her Colonies, and been spared the hatred that has survived the hostilities that gave it birth by more than eighty years. It was madness in her so to act as to let in the rival and jealous powers of Europe to give aid and comfort to the weaker side. Let such madness be avoided by us.

The free people of the thirty-three States of this Union boast that their obedience is paid to the power of the laws they make, and not to the persons who are entrusted with the duty of executing them; that resistance to tyrants is obedience to God.

We may as well commence this examination by the proposition—*That if a seceding State cannot be coerced by the general government without violating the Constitution and the laws, then she cannot be coerced at all.* This remits us to two enquiries: What is the offence against the Constitution by a State when she secedes? and, What Constitutional mode and means of punishment or prevention by the general government exist? It is not our purpose to draw the line between secession and revolution, as abstract ideas; we are content to examine a single case, which is stated thus: The people of a sovereign State in Convention secede from the Union by repealing the ratification she gave to the Constitution of that Union of 1788. What is the offence? and what the means of prevention or punishment?

We admit that while she remains in the Union there are many means pointed out by the Constitution to compel her citizens to obedience to the law. The Constitution was binding upon her citizens, because the State in her sovereignty sitting in Convention adopted it, or to use the better expression, ratified it. The Constitution was a mere project or speculation of a Convention of philosophers when it came to the State Convention—it depended on the people of each State in its State Convention for the power to become a law; and because States were sovereign and did ratify it, therefore it became part and parcel of the State Constitutions, of equal force and obligation with the other organic acts of the people of the States in their sovereignty, providing for a government for the State. It has the like force on the sovereign people of a State with their Constitution, and no more, no less, in this, that it purports to represent the will of the State, and is law so long as it has the solemn consent of the people of the State, acting in their sovereignty. By a Constitution, the people of a State delegate the power of representing their sovereignty; but they do not *renounce* the sovereignty or transfer it. A Constitution makes agents to exercise powers of government, and limits and defines the spheres and powers of these agents, the servants of the people. It does not transfer the sovereignty from the people to their agents, making the agent to be sovereign, and the former sovereign to be the subject. On the contrary, every constitutional government announces that all powers are derived from the will of the people, and all powers not granted by the people are reserved. The agent cannot have more powers than the principal. The creature cannot be greater than the creator. Let us look at the ratifying part of the Constitution of the United States. It was proposed that when nine States should agree that this instrument should be part of their constitution, or organic law; then this general agent should be organized and go into force. The Congress of the old confederation, whom this new plan proposed to supplant, were friendly to the submission of the new plan; but mark the logic—the plan provided for the extinction of the old confederation by secession. The Congress favored it, and the Conventions of the States were called to consider the secession from the Confederation and the adoption of the new constitution. Nine States peacefully seceded in 1787 and 1788. Two States—Rhode Island and North Carolina—lingered a year and a half before they joined the new Confederation: North Carolina not joining until satisfactory amendments were made to the Constitution, and Rhode Island joining upon conditions.

Notwithstanding the 12th article of confederation says, the articles shall be inviolably preserved and the Union be perpetual, and no alteration shall be hereafter made unless it be confirmed by the Legislature of every State, yet there has never been a question that the States could not rightfully secede from the old Confederation, although its articles of constitution were entitled "articles of confederation and perpetual union," and in the new Constitution as amended, the words, reserving to the States all powers not granted, are as clear as in the Articles of Confederation (see Art. 10): "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." It follows, then, that if secession was no offence in 1788 against the old Confederation, unless words granting away the right to secede are found in the new Constitution, or words prohibiting secession to the States, then the right is reserved intact by the several States. We find no such grant nor such prohibition. The right of secession remains a part of the sovereignty of the respective States, just as perfectly as when they last exercised

it in 1788-9 in order to adopt this present Constitution. It is nowhere made an offence against the new government for the State to resume its delegated powers. Whilst she is in the Union the delegation of powers is good against her, because the theory of the Union is the delegating the same powers by each State to the one general agent. It is the equality of rights and equality of obligations that makes the base and substance of the Union—and the Act of each State in her sovereignty makes the Supreme Court of the United States the judge of all questions arising under that grant of powers, but not on other subjects. Finding, then, neither grant by the States, nor prohibition to them, of their sovereign power to secede, and having shown that when called on to ratify this Convention they were asked to do it by the act of secession from the existing one—it may well be deemed, this power remains in the people of the State, unless we find some necessary implication of an inconsistent nature arising elsewhere in the Constitution: such as a grant of power to coerce a State when negligent of her obligations under the Constitution. Is there any such grant? None appears—powers over individuals appear. The judges of a State are commanded to obedience to the decisions of the Supreme Court, but there are no words commanding the legislatures of the several States. Those holding the executive power of the States in the Union may, perhaps, be reached directly through the judiciary as individuals, (as Congress has attempted in the last Consular act on the subject of granting passports) but no implication as to the States in their sovereignty is to be discovered. Congress, even, is only authorized to make laws for executing the powers granted to itself and those vested in the Government by this Constitution, or in any department or officer thereof. This subject may be still more conclusively set at rest by referring to the journals of the Convention that formed the Constitution.

We find there that Mr. Edmund Randolph's programme, included a power to coerce States who were negligent of their duties or engagements, but that the Convention steadfastly resisted and rejected the granting of such a power to the General Government. It was not incorporated in the Constitution when submitted to the States for their approval. This is not all. So jealous were the several States, lest this power afterwards might be assumed by construction, that only six States ratified the Constitution unconditionally. Six other States attached conditions to their ratification, either directly as conditions, or else by declaring the construction of the Constitution on which they ratified it, and insisting that this construction should be made more clear by amendments and explicit declarations. One State, North Carolina, refused to give even a conditional ratification, before the amendments were made. The leading condition of construction thus made imperative by the concordant action of the States forming the Union, was immediately afterwards substantially adopted as an amendment, being article 10th: "that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people." The States who insisted on thus "making assurance doubly sure," with regard to the limits of the delegation of powers, were South Carolina, New York, Virginia, Massachusetts, New Hampshire and Rhode Island, with whom North Carolina stood. (Vide Elliott's *Debates on the Federal Constitution*, Vol. 4. *Ratification of the States*.) The power to coerce cannot then be derived from any just implication, and was refused to be incorporated originally in the Constitution. The States who formed this Union stood after it was, both by their conditional ratification and by the amendment article 10, adopted and put into existence as a general government, exactly as they stood in relation to the old confederation, when they declared, July 9th, 1778, that their style should be the United States of America, and that "Each State retains its sovereignty, freedom, independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States," so far as their reserved rights were concerned. Coming, then, to a closer consideration of the objects of the Union of these United States, and of the delegation of powers to effect those objects, we find that the recitals of the objects of the "perpetual union" established in 1777, coincide perfectly with the objects of the "more perfect union" commenced in 1787, so far as each provides for the mutual and general welfare, common defence and security of their liberties. In the Constitution, we find "to establish justice and insure domestic tranquility," added to the prior objects. It does not appear from the avowed objects of the Union of the States, any more than from the grants of powers to the General Government, or from the prohibition to the States to exercise certain acts of sovereign power

whilst in the Union, that a prohibition of the authority to secede from the Union, or the power to coerce a State, were either of them included in the articles of the Constitution, or that any State has ever ratified to the United States these parts of her sovereign powers, or been even asked to separate them from her sovereignty. And when we contemplate that the framers of the Constitution proposed the peaceful secession of nine States from the old Confederation to the new one, as the only means of starting or instituting this present general government, how can it be imagined that they looked with such horror on secession by act of the people, in State sovereignty, as to mark with eternal future reprobation, the act they were then inviting the States to take?

The people of one State surrendered no part of their sovereignty over their own State to other States. Whilst in the Union, the Constitution is their law, because it is their act. The general government has no sovereignty over any State of this Union. It is the agent of the States, having several powers from each; it can touch no subject not included in the powers granted to it by the States. We have seen that neither the pretence of coercion nor the pretence of secession being prohibited to a State is supported by the record. The general government has no power to act in a case of secession. It concerns the States, in their sovereignty, and is beyond the limited sphere of the general government. Whom, then, does secession concern? And is there any remedy or retribution? We answer that it concerns the other States, in that portion of their sovereignty not delegated to the general government, nor even to the State legislatures. It concerns the sovereign people of each State in this Union, and them only. Congress has no powers to represent them. The people of the sovereign States have delegated no powers to any agent, State or general, to represent them. In their conventions alone can they meet this issue, by either delegating powers to some agent or agencies equal to the emergency; or consider what other appropriate remedies, if any, are necessary. To the question, is there any retribution for secession? we say: not under the Constitution. But outside of the Constitution, is retribution to be sought? If the States feel justly offended because the seceding State has withdrawn from their alliance, they can treat her as a hostile neighbor, a nation with whom they have cause of war, and may follow her with all the means that the law of nations points out in cases of public war. If they conquer her, they may make her a territory, or annex her as territory to some State of the Union. But from the moment of secession she has no rights in the sisterhood of States—no protection in the Constitution. She is alien and stranger. Whether the States will resort to the harsh mean, of war, and rush into the discords of social evils sure to follow in the footsteps of such a war, or whether recognizing some justice in their grievances, peaceful means to mitigate by treaties the evils of disunion, or else by timely additional guarantees in the Constitution, to give full assurance of the equality and protection demanded in the Union, are questions of future policy for discussion in each State.





